

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are currently pending. Claims 8-10 are hereby added. Claims 1, 6 and 8 are independent. Claims 1, 3, 6 and 7 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §112

Claims 1 and 6 have been amended as suggest by the Examiner to overcome the rejections under §112.

Applicant respectfully requests withdrawal of the §112 rejections of claims 1 and 6.

III. REJECTIONS UNDER 35 U.S.C. §102

Claims 1-2 and 4-6 were rejected under 35 U.S.C. §102 as allegedly anticipated by European Patent No. EP 1 164 503 to Kuniyama.

Applicant respectfully traverses this rejection.

Independent claim 1 is representative and recites, *inter alia*:

“file managing means for managing . . . the contents stored in the user areas

. . .
content delivering means for providing said users with of said contents stored in said user areas solely as streaming content wherein the content files are not downloadable by the corresponding user.” (Emphases added).

As understood by the Applicants, Kunihara discloses a user area that user can freely use.

That is, the user can store files, delete files of content, move files and download files from the user area. Kunihara par. [0027]. Thus, in Kunihara, the user manages the contents stored in the user area. Moreover, contents that are in the user area can be downloaded by the user.

In contrast, claim 1 recites, “file managing means for managing . . . the contents stored in the user areas . . . providing said users with of said contents stored in said user areas solely as streaming content wherein the content files are not downloadable by the corresponding user.”

That is, in an aspect of the present invention, the content provider manages the contents that are in the user-oriented area of each user, not the corresponding user. Moreover, the content in the user-oriented area is only provided as streaming data. The data are not downloadable. Indeed, it is a feature of the present invention to prevent illegal copying when a user downloads contents.

The recited elements are not disclosed in Kunihara. Thus, claim 1 is patentable over Kunihara because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 6 and 8 are also believed to be patentable.

IV. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 3 and 7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kuniyara in view of U.S. Patent No. 6,629,104 to Parulski et al. (hereinafter, merely "Parulski").

Claims 3 and 7 depend from claims 1 and 6, respectively, and are believed patentable for at least the same reasons as those claims. Parulski does not add the elements missing from Kuniyara as discussed above.

V. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims _____ are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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